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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

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| Case No. | SACV 13-1737 AG (RNBx) | Date | November 7, 2013 |
| Title | OPES INVESTMENTS, INC. V. RODRIGUEZ ET AL. | | |

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| Present: The Honorable | ANDREW J. GUILFORD |
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| Lisa Bredahl | Not Present | |
| Deputy Clerk | Court Reporter / Recorder | Tape No. |

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER REMANDING CASE

Opes Investments, Inc. (“Plaintiff”) filed a Complaint for unlawful detainer against Defendants Maria Rodriguez, Ana Rodriguez, and Juan Rodriguez (“Defendants”) in Orange County Superior Court. The Complaint seeks to evict Defendants from foreclosed property (“Property”) and requests related damages.

Defendants filed a Notice of Removal (“Notice”) to remove the unlawful detainer action to this Court. (Notice, Dkt. No. 1.) Defendants claim that removal is proper because Maria Rodriguez is a member of an unknown class action lawsuit against “Predator third party Mortgage Investors.” (Notice, at 2.) But Defendants fail to identify that case or any related cases. (See Civil Cover Sheet, Dkt. No. 1-1, at 3.) The Notice does little more than recite text from 28 U.S.C. § 1446(a) without giving any facts or basis for why removal is proper.

Based on the Plaintiff’s state court complaint and Defendants’ Notice of Removal, this Court lacks subject matter jurisdiction over Plaintiff’s action.

This case is thus REMANDED to the California Superior Court, County of Orange.

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The Court reminds Defendant that “[s]peedy adjudication is desirable [in unlawful detainer actions] to prevent subjecting the landlord to undeserved economic loss and the tenant to unmerited harassment and dispossession when his lease or rental agreement gives him the right to peaceful and undisturbed possession of the property.” *Lindsey v. Normet*, 405 U.S. 56, 73 (1972). Improper removal of unlawful detainer cases harms the interests stated in *Lindsey*. Defendant is cautioned not to improperly seek federal jurisdiction, particularly for delay. *See Newman & Cahn, LLP v. Sharp*, 388 F. Supp. 2d 115, 119 (E.D.N.Y. 2005) (finding that a removal was “frivolous and unwarranted,” but declining to order sanctions against the removing party “because she [was] pro se,” though warning her “that the filing of another frivolous paper with the Court may result in monetary sanctions under Rule 11”).

The Court also notes that Defendant is representing herself without a lawyer. People who represent themselves in court without a lawyer are called “pro se litigants.” Whether acting as plaintiffs or defendants, pro se litigants in federal court face special challenges. The Public Law Center runs a Federal Pro Se Clinic at the Santa Ana federal courthouse where pro se litigants can get free information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 W. 4th Street, Santa Ana, CA. For more information about the clinic, visit <http://court.cacd.uscourts.gov/cacd/ProSe.nsf> and select “Pro Se Clinic - Santa Ana.”

DISPOSITION

Defendants fail to establish that federal jurisdiction exists over this case. Thus, the case is REMANDED to the appropriate state court.

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 Initials of
 Preparer

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